



COUNTY OF  
LOS ANGELES  
ANIMAL CARE  
AND CONTROL

February 15, 2006

Agenda Date: February 21, 2006

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Director

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**Shelter locations**

11258 S. Garfield Ave.  
Downey, CA 90242  
(562) 940-6898

216 W. Victoria St.  
Gardena, CA 90248  
(310) 523-9566

4275 No. Elton  
Baldwin Park, CA 91706  
(626) 962-3577

5210 W. Avenue I  
Lancaster, CA 93536  
(661) 940-4191

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Castaic, CA 91384  
(661) 257-3191

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Agoura, CA 91301  
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The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**MANDATORY SPAY AND NEUTER PROGRAM FOR RESTRICTED  
DOGS; UNALTERED RESTRICTED DOG LICENSE FEE**

**(ALL DISTRICTS - 3 VOTES)**

**IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC  
HEARING:**

Approve the accompanying ordinance amending Title 10 –ANIMALS of  
the Los Angeles County Code to:

1. Amend Los Angeles County Code § 10.08 Definitions:  
Amendment to "Hobby breeding; add "Pit bull," "Rottweiler" and  
"Unaltered."
2. Amend Los Angeles County Code § 10.20. to add Part 4,  
Mandatory Spay and Neutering Program for Restricted Dogs as  
authorized by amendments to Health & Safety Code §§ 122330  
and 122331, effective January 1, 2006;
3. Amend Los Angeles County Code § 10.90.010 VI to establish a  
new fee for an unaltered restricted dog license to recover the  
costs of enforcement.
4. Introduce, waive reading, and adopt the enclosed Ordinance and  
fee at a subsequent meeting.

***"To Enrich Lives Through Effective and Caring Service"***

### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The Department of Animal Care and Control is overwhelmed with certain breeds of dogs which cause a negative and disproportionate impact on euthanasia. In particular, pit bulls and Rottweilers are overcrowding Los Angeles County animal shelters. This overcrowding takes valuable space away from other adoptable dogs which must be euthanized. In most cases, pit bulls and Rottweilers are less likely to be adopted, are more likely to be euthanized, and are less likely to be altered than the other most common breeds.

Housing: Pit bulls and Rottweilers have a disproportionate impact over other dog breeds because they must be housed one dog per run, as these breeds are often aggressive to other dogs and can cause serious harm if a fight occurs. Our normal practice is to house at least two average size dogs per run, and up to four small dogs such as Chihuahuas and terriers per run. Therefore, each pit bull or Rottweiler has DOUBLE the impact of other breeds of dogs on our housing resources.

In fiscal year 2004-2005, this department housed and cared for 39,787 dogs. Of these dogs, the majority (64.3%) fell into six breed types (purebreds and mixes):

	<u>% of Total Incoming</u>	<u>Impact on Housing</u>
a. Shepherds	20.8%	20.8%
b. Pit bulls	16.4%	<b>32.8%</b>
c. Labradors	9.7%	9.7%
d. Chihuahuas	6.4%	6.4%
e. Rottweilers	5.5%	<b>11.0%</b>
f. Terriers	5.5%	5.5%

Adjusted for this impact, pit bull breeds take up about 32.8% of the space in our shelters, and Rottweilers about 11% of the space of our shelters. Taken together, these two breeds account for over 43% of the existing space in our shelters for impounded dogs.

Euthanasia: In addition, suitable adoptive homes are more difficult to find for pit bulls and Rottweilers. These breeds have dominant personalities and require sophisticated owners who are able to properly handle and manage these breeds. The average adopter is looking for a family pet, not a challenging dog.

The euthanasia rate in Los Angeles County shelters for these most common dog breeds are:

a. Pit bulls	77.70%
b. Rottweilers	62.60%
c. Shepherds	51.13%
d. Labradors	37.34%
e. Terriers	26.92%
f. Chihuahuas	26.34%

Restricting the breeding of pit bulls and Rottweilers will decrease the number of dogs which are euthanized in Los Angeles County animal shelters.

Adoption: These two breeds rank towards or at the bottom regarding their chances of leaving Los Angeles County shelters alive. The adoption rate of these most common dog breeds are:

a. Terriers	59.51%
b. Chihuahuas	57.07%
c. Shepherds	36.14%
d. Rottweilers	22.50%
e. Labradors	20.41%
f. Pit bulls	8.10%

Licensing of altered dogs: Aside from Chihuahuas, pit bulls and Rottweilers are less likely to be altered than the other breeds. Our current licensing database shows the following percentages of licensed dogs that are altered, by breed:

a. Labradors	61.96%
b. Shepherds	48.95%
c. Terriers	44.18%
d. Rottweilers	40.23%
e. Pit bulls	30.40%
f. Chihuahuas	16.94%

This reduced incidence of sterilization in pit bulls and Rottweilers contributes to the overpopulation crisis in Los Angeles County animal shelters. Additionally, while Chihuahuas have lower sterilization rates, they are not impacting the shelters as strongly because they are not as common in the shelters as pit bulls and Rottweilers. One reason for this may be that Chihuahuas are more commonly kept as house dogs and have less opportunity for unplanned matings than larger breeds that are more likely to live outside.

### **IMPLEMENTATION OF STRATEGIC PLAN GOALS**

The proposed ordinance supports Countywide Strategic Plan Goal Number 3, Organizational Effectiveness, because it will reduce the overpopulation of certain breeds and create more available cage space to hold adoptable animals, thereby reducing our euthanasia rate. It also supports Goal Number 4, Fiscal Responsibility because the number of dogs entering shelters should decrease, thereby resulting in less cost to the department for capturing and housing these animals. In addition, the costs for the program are fully recovered. Finally, Goal 8, Public Safety, is supported as well, because fewer dogs will be at large and creating public safety concerns.

### **FISCAL IMPACT/FINANCING**

Implementation of this program will require six additional positions to enforce the new ordinance, at a total cost of \$668,077. These six positions include a lieutenant to oversee this program, a sergeant, three animal control officers and a clerical worker. These positions are necessary to provide enforcement, data management and tracking, comply with state reporting requirements, and provide the oversight necessary to comply with due process requirements. Currently, the department has 4,549 unaltered pit bulls and Rottweilers in its licensing database. By dividing the \$668,077 by 4,549 licenses, the cost per license to enforce the new ordinance is estimated to be \$147.00. The department recommends a \$150.00 license fee in order to recover any additional unanticipated costs. The Auditor-Controller has reviewed the calculations used to determine the amount of the new license fee and has determined that the proposed fee is reasonable.

Since this is a new program, these costs estimates are based on the best estimates available. The department will closely monitor and track all revenues and expenses related to this ordinance and make any recommendations for modification to the Board.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

California Health and Safety Code Sections 122330 and 122331 became effective on January 1, 2006. Prior to this date, local government was not permitted to enact breed-specific ordinances. Under the new legislation, local governments are now allowed to enact breed-specific ordinances pertaining to mandatory spay or neuter programs and breeding requirements.

The purpose of the proposed ordinance is to reduce uncontrolled breeding of certain breeds of dogs and thereby lessen the strain on Los Angeles County animal shelters in capturing and caring for these animals.

While Shepherd and Labrador mixes constitute a large portion of the population, it is much more difficult to distinguish their physical characteristics due to great variances in size, color, and conformation. Pit bulls and Rottweilers, however, breed more true to type and we are able to distinguish these breeds and their mixes in a fair and objective manner.

For that reason we feel the proposed ordinance will have the most success by focusing on these two breeds.

The proposed ordinance establishes a mandatory spay and neuter program for restricted breeds of dogs and a new fee for an unaltered restricted dog license. This will require that all restricted breed dogs be spayed or neutered unless they meet one of the following exemptions:

- The restricted dog is less than four months of age;
- The restricted dog cannot be spayed or neutered without a high likelihood of suffering serious bodily harm or death;
- The owner or custodian has obtained a license for an unaltered restricted dog;
- The determination of the dog's breed is under appeal; or
- The owner or custodian has owned or had custody of the dog for less than thirty days;

An owner or custodian will be issued a license for an unaltered restricted dog if all of the following conditions are met:

- The applicant has submitted the required application and has paid the fee;
- The unaltered restricted dog will be housed and maintained in accordance with all animal care and control laws;
- The owner or custodian has demonstrated the restricted dog is a suitable candidate for an unaltered dog license. Demonstration will require: 1) verification that the dog is registered with the appropriate purebred registry for the breed; 2) the dog has passed age appropriate health and temperament screening tests; and 3) the dog has been implanted with a microchip and that microchip number has been provided to the department.

This ordinance allows owners or custodians to appeal the dog's breed determination, the denial of a license and the revocation of a license.

This ordinance also prohibits the breeding of any restricted dog that is less than two years of age. This restriction comports with generally accepted breeding principles that are customary in the codes of ethics of purebred dog breeder associations.

The sale and transfer of unaltered restricted dogs is also regulated and owners must report the births, sales and transfers of these animals.

A stray restricted dog that is impounded by the department will be spayed or neutered prior to reclaimed by its owner, unless the owner purchases an unaltered restricted dog license or qualifies for an exemption.

Health and Safety Code Section 122331 requires jurisdictions that implement breed specific spaying and neutering programs to measure the effect of those programs by compiling statistical information on dog bites. These statistics are to be submitted quarterly to the State Public Health Veterinarian. Although the Department of Health Services reports general information regarding dog bites, the Department of Animal Care and Control will be able to assume the specific reporting requirements as mandated under this law, if the requested staffing levels are approved.

Pursuant to Government Code Section 66018, a public hearing must be held by the local authority prior to the adoption of a new fee or increase of existing fees. Notice of the public hearing shall be published in accordance with Government Code Section 6062a.

County Counsel has reviewed and approved the ordinance.

**IMPACT ON CURRENT SERVICES (OR PRODUCTS)**

Approval of these recommendations will enhance the department's ability to protect public safety by reducing stray animals, reduce the euthanasia rate and reduce operating costs because fewer dogs will be impounded.

Respectfully submitted,

MARCIA MAYEDA  
Director  
Department of Animal Care and Control

Enclosure

MM:yd

c: Chief Administrative Officer  
County Counsel  
Auditor-Controller  
Executive Officer, Board of Supervisors